

# COMBINED DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART APPLICATION

As a below name inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

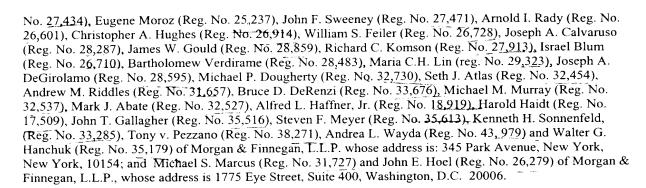
ought on the inv	rention entitled:	·		
	GULATION OF ADENOVIR	US PRODUCTION		
he specification	of which	•		
a. [ ]	is attached hereto			
b. [ ]	was filed onamended on	as application Serial No (if applicable).	and was	
	PCT FILED APPLICA	TION ENTERING NATIONAL STA	AGE	
c. [X]	was described and claimed in International Application No. <u>PCT/US99/08294</u> , filed on <u>15 April 1999</u> and as amended on (if any).			
hereby state tha	t I have reviewed and understa ended by any amendment refer	nd the contents of the above-identificated to above.	ed specification, including	
acknowledge th of Federal Regul		which is material to the patentability	as defined in Title 37, Code	
hereby specify are to be directed	<del>-</del>	dence address to which all communic	cations about this application	
SEND (	CORRESPONDENCE TO:	MORGAN & FINNEGAN, L.L.P 345 Park Avenue New York, N.Y. 10154		
DIREC	Γ TELEPHONE CALLS TO:	Dorothy R. Auth (212) 758-4800		
[ ] I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) or under 365(b) of any foreign application(s) for patent or inventor's certificate or under § 365(a) of any PCT international application(s) designating at least one country other than the U.S. listed below and also have dentified below such foreign application(s) for patent or inventor's certificate or such PCT international pplication(s) filed by me on the same subject matter having a filing date within twelve (12) months before that of the application on which priority is claimed:				

declaration.	,5 0.5.c. ş 117 ciam.	for priority for the application		1
Country/PCT	Application Number	Date of filing (day, month, yr)	Date of Issue (day, month, yr)	Priority <u>Claimed</u>
				[]YES[]NC
				[ ] YES [ ] NC
				[ ] YES [ ] NC
[X] I hereby clai	m the benefit under 3	5 U.S.C. § 119(e) of any U.S	6. provisional application(s	) listed below.
Provisional Applic	cation No.	Date of Filing (day, month, yr)		
60/081,867		15 April 1998		
60/088,321		05 June 1998		
OR I hereby claim the	PCT INTERNATIO  benefit under Title 33	R DIVISIONAL, CONTINU- NAL APPLICATION(S) (D 5, United States Code § 120 of cation(s) designating the U.S	ESIGNATING THE U.S.) of any United States applic	
	99/08294	15 April 1999		
US/PCT Applicati	on Serial No.	Filing Date	Status (patented, pend U.S. application no. a	
US/PCT Applicati	on Serial No.	Filing Date	Status (patented, pend U.S. application no. a	
application is not of manner provided by disclose material i	disclosed in the above by the first paragraph nformation as defined	t application, insofar as the selisted prior United States or of Title 35, United States Coll in Title 37, Code of Federal ication(s) and the national or	PCT international applica de, § 112, I acknowledge to Regulations, § 1.56(a) wh	tion(s) in the the duty to nich occurred

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys and/or agents with full power of substitution and revocation, to prosecute this application, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith: John A. Diaz (Reg. No. 19,550), John C. Vassil (Reg. No. 19,098), Alfred P. Ewert (Reg. No. 19,887), David H. Pfeffer (Reg. No. 19,825), Harry C. Marcus (Reg. No. 22,390), Robert E. Paulson (Reg. No. 21,046), Stephen R. Smith (Reg. No. 22,615), Kurt E. Richter (Reg. No. 24,052), J. Robert Dailey (Reg.

application.



I hereby authorize the U.S. attorneys and/or agents named hereinabove to accept and follow instructions from \_\_\_\_\_\_ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and/or agents and me. In the event of a change in the person(s) from whom instructions may be taken I will so notify the U.S. attorneys and/or agents hereinabove.

Full name of sole or first inventor Patrick HEARING				
Inventor's signature*	Patul Han 9/10/00			
Residence 27 Thon	nas Hill Road, St. James, New York 11780, US.			
Citizenship United	States of America			
Post Office Address	27 Thomas Hill Road, St. James, New York 11780, US.			
Full name of second joint inventor, if any  Susanne I. SCHMID				
Inventor's signature*	Jusanne 1 Garmid 9/19/00 date			
Residence 16 Laure	el Street, Apt. 1, Somerville, Massachusetts 02143, US			
Citizenship German	ny			
Post Office Address	16 Laurel Street, Apt. 1, Somerville, Massachusetts 02143, US			
Full name of third joint inventor, if any	Philomena H. OSTAPCHUK			
Inventor's signature	Afr Oell 9/18/10			
Residence	301 East Broadway, Port Jefferson, New York 11777, US			
Citizenship	United States of America			
Post Office Address	301 East Broadway, Port Jefferson, New York 11777, US			

Full name of s	ole or fourth inventor
Inventor's sign	nature* El Eretürik
Residence	22 Maple Avenue, Setauket, New York 11733, US
Citizenship	Turkey
Post Office A	ddress 22 Manle Avenue Setauket, New York 11733, US

- [ ] ATTACHED IS/ARE ADDED PAGE(S) TO COMBINED DECLARATION AND POWER OF ATTORNEY FORM FOR SIGNATURE BY THIRD AND SUBSEQUENT INVENTORS
- \* Before signing this declaration, each person signing must:
  - 1. Review the declaration and verify the correctness of all information therein; and
  - 2. Review the specification and the claims, including any amendments made to the claims.

After the declaration is signed, the specification and claims are not to be altered.

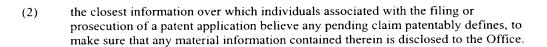
To the inventor(s):

The following are cited in or pertinent to the declaration attached to the accompanying application:

## Title 37, Code of Federal Regulation, § 1.56

Duty to disclose information material to patentability.

- A patent by its very nature is affect with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and



#### Title 35, U.S. Code § 101

#### Inventions patentable

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

### Title 35 U.S. Code § 102

Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent,
- (b) the invention was patented or described in a printed publication in this or foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States, or
  - (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate field more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
  - (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other ...

#### Title 35, U.S. Code § 103

Conditions for patentability; non-obvious subject matter

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said matter pertains. Patentability shall not be negatived by the manner in which the invention was made.



Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

## Title 35, U.S. Code § 112 (in part)

## Specification

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise and exact terms also enable any person skilled in the art to which it pertains, or with which it is mostly nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

#### Title 35, U.S. Code § 119

Benefit of earlier filing date in foreign country; right of priority

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than one year before the date of he actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

# Title 35, U.S. Code § 120

Benefit or earlier filing date in the United States

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

Please read carefully before signing the Declaration attached to the accompanying Application.

If you have any questions, please contact Morgan & Finnegan, L.L.P.

FORM:COMB-DEC.NY Rev. 5/21/98